IN THE HON'BLE HIGH COURT OF CHHATTISGARH, AT

BILASPUR

Single Bench

S.A. No. 402 /2005 CR No. 142/2005

APPELLANT : Nagar Panchayat, Pathalgaon, Through Chief Municipal Officer, Pathalgaon, Distt. Jashpur (C.G.)
Defendant

VERSUS

RESPONDENTS : Manoj Kumar Agrawal, S/o. Late Gigraj, aged 30 years, Occupation Business, Near bus stand, Pathalgaon, Distt. Jashpur (C.G.)
Plaintiff

P.R. No. 21931 05
Presented by Shri 10.10.05 Thakur
dated 17.10.05

Valuation of Appeal as in Court below:

Valued at RS. 15,235/-

Court Fee affixed. Rs.390/-
(As per Court below)

LIMITATION – Impugned judgement passed on 5.3.2005 and apply for copy on dated 28.3.2005 and supplied on 4.8.2005 hence within limitation.

SECOND APPEAL UNDER SECTION 100 OF CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 142 सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.02.2006 Shri AN Bhakta, counsel for the applicant. None for the respondents. Heard on admission and on M.C.P.No. 1311/2005. Respondents filed a suit for recovery of interest on a deposit of Rs.21,500/- (Rupees twenty-one thousand and five hundred) against allotment of Canteen. Applicant for allotment of Canteen conducted public auction and consequent to it received Rs. 21,500/- from respondent, but neither delivered possession of the canteen nor returned the amount. Learned trial Court decreed the suit. Aggrieved with the judgment and decree passed by the trial Court, applicant preferred a Civil appeal bearing No.2B/2004. District Judge Jashpur vide judgment and decree dated 05.03.2005 dis-allowed the appeal. Being aggrieved with that judgment and decree, this revision has been filed by the applicant. During the argument, learned counsel for the applicant admits that an interest @ 6% has been awarded by the trial Court and affirmed by the first appellate Court. Further he admits that though respondent deposited Rs.21,500/- against allotment of canteen, but possession of the same could not be handed over to him because of some injunction order passed by the Civil court in other case.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 142 सन् 2005

(20)

विरुद्ध

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Admittedly, applicant was in custody of Rs.21,500/- deposited by the respondent. Therefore, respondent, who was deprived of the possession of canteen, was entitled for interest on the amount withheld by the applicant. It has not been proved before the Court below that interest was not payable on such transactions. I am of the opinion that learned Courts below have correctly allowed the interest and no interference is called for by this Court in its revisional jurisdiction. Revision is dismissed accordingly. M.C.P.No./1311/2005 stands disposed of. Sd/- V.K.Shrivastava Judge	

padma